

GUIDE TO GETTING MEDICAL CARE

FOR JOB-RELATED PAIN THAT WON'T GO AWAY



INSIDE...

- ▶ Pain that won't go away
- ▶ Work-related pain
- ▶ Choosing a doctor
- ▶ How to get ready to see a doctor
- ▶ What to expect at the doctor's office
- ▶ Are medical records confidential?
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This booklet contains general information about California workers' compensation rules that affect medical care for job-related injuries. However, there may be exceptions and deadlines that affect you, or the rules may have changed. Page 12 lists sources of current, specific information on workers' compensation.

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Do you often feel pain, tingling, numbness, or weakness in your neck or shoulders? arms or elbows? wrists, hands, or fingers? back? legs or feet?

If so, you may have a musculoskeletal disorder (MSD).

- ▶ Do your symptoms get worse from working? If so, you may have a job-related MSD.
- ▶ MSDs are injuries caused by wear and tear to the tendons, nerves, muscles, and joints. What you do on your job may cause MSDs or make them worse.
- ▶ Job-related MSDs are responsible for about one-third of injuries that require time off from work. Ordinary work movements can cause them— lifting, pulling, gripping, or using a keyboard, for example. There is added danger if movements are repeated over and over, are forceful, or are done in awkward positions. Cold, vibration, heavy loads, no breaks, and other job conditions can also put you at risk.

- ▶ Some MSDs are caused by off-the-job activities such as housekeeping, yard work, hobbies, and sports. In some cases, other medical conditions are a factor.

MUSCULOSKELETAL DISORDER (MSD)

is a general name given to a group of health problems affecting the joints, muscles, nerves and tendons. Other general names for these health problems are:

- Repetitive motion injury (RMI)
- Repetitive strain injury (RSI)
- Cumulative trauma disorder (CTD)
- Occupational overuse syndrome (OOS)

Should you see a doctor?

Yes! Don't ignore your pains!

- ▶ Most MSDs, when recognized early, can be successfully treated. However, some MSDs can cause permanent disability, especially if not treated soon enough, or if you continue doing activities that make them worse.
- ▶ A doctor may be able to tell you what is causing your pain (or other symptoms), and what treatments are available.
- ▶ The doctor should also decide if your problem is caused (or made worse) by your job. Report all work-related injuries to your employer as soon as possible. This is necessary if you are to receive workers' compensation benefits. These benefits, which are for job injuries or illnesses, include medical expenses. Page 12 explains how to get more information about workers' compensation.
- ▶ Sometimes the doctor may tell you to take time off work to recover. Or the doctor may ask your employer to give you limited job duties for a while.

Can you choose the doctor you see?

Yes! But under workers' compensation rules, you need to act to protect this right.*

- ▶ **Pre-injury.** Give a written notice to your employer stating that you want to see your own doctor if you are injured on the job. "Your own doctor" means a doctor you have seen before who has your medical records. Your employer should give you a form to fill out, or you can just write a letter like the sample below. If you don't pre-select your own doctor, your employer may choose one for you (who will control your care for 30 days).
- ▶ **Post-injury.** If your employer *didn't* inform you of your right to choose a doctor then you still have that right (even if you didn't give a written notice). It's a good idea to inform your employer of your choice of doctor in writing, as well as orally.
- ▶ **Post-injury.** If your employer *did* inform you of your right to choose a doctor, but you didn't do it, you may still be able to see your doctor. Your employer may agree, if you ask to be treated by your own doctor. If not, you can still switch to your own doctor after 30 days.
- ▶ **Note:** When injuries develop gradually, you may not know for sure if your injury is work-related before you see a doctor. So you may first go to your own doctor for a diagnosis. If you do have a work-related injury, you can ask to be treated by your own doctor (even if you haven't given notice). Be sure to report the injury to your employer.

DOCTOR CHOICE LETTER

(Date)
Dear _____ (Name of Employer)

If I become ill or injured as a result of my
employment with _____

(Name of Company or Agency),
I request that I be treated by my personal
doctor:

(Name of Doctor)

(Address)

(City/State/Zip)

(Phone)

Sincerely,

(Your Signature)

(Print Your Name)

(Address)

(City/State/Zip)

SOME HEALTHCARE PRACTITIONERS WHO TREAT MSDs

Acupuncturists* use Chinese medicine, including acupuncture and herbal treatments.

Certified Hand Therapists treat the hand, wrist, elbow and shoulder. They are specially trained Occupational Therapists or Physical Therapists.

Chiropractors* use primarily physical manipulation. They also may recommend dietary supplements, exercises and other treatments.

Hand Surgeons* specialize in hand surgery, such as surgical treatment for carpal tunnel syndrome.

Neurologists* specialize in diagnosing and treating nerve problems. They can do special tests to diagnose MSDs that involve damage to nerves, such as carpal tunnel syndrome.

Neurosurgeons* specialize in surgical treatment of the brain, spinal cord, and nerves (in the hand, arm, and leg).

Occupational Health Nurses are Registered Nurses with special training in treating work-related problems.

Occupational Medicine Physicians* are specially trained in treating work-related problems.

Occupational Therapists help with return-to-work by providing exercises and equipment modifications.

Orthopedists* (Orthopedic Surgeons) treat a wide variety of joint and back problems.

Osteopaths* (DO) are doctors trained similarly to MDs, but with more emphasis on muscle and joint disorders.

Pain Management Specialists specialize in relieving pain, using a wide variety of treatments.

Physical Therapists perform physical manipulations and treatments such as applying heat and cold.

Physiatrists* (Physical Medicine Specialists) specialize in diagnosing and treating all sorts of MSDs. They use many types of treatments, but are not oriented toward surgery.

Primary Care Providers include Nurse Practitioners, Physician Assistants, Internists* and Family Doctors*. They can coordinate your care and help you find the right specialist, if needed.

Rheumatologists* are internists who diagnose and treat joint, bone and connective tissue (ligament and tendon) problems.

* Shows healthcare practitioners who can act as "treating physicians" for workers' compensation cases.

"TREATING PHYSICIAN" is a legal term for the doctor or practitioner who coordinates your medical care in a workers' compensation case. A treating physician gives treatments and may make referrals to other practitioners. Sometimes a specialist can become your treating physician. Feel free to ask about the practitioner's treatment approach and experience in treating MSDs. Also, treating physicians provide reports on an injured worker's medical status (for example: if time off work is needed, if you are expected to get better or not, and if you will have permanent disability). These reports go to the employer's workers' compensation administrator and are used to determine benefits. NOTE: A diagnosis by a chiropractor or acupuncturist does not meet the requirements of a California rule to protect workers from MSDs (see page 13); you may ask to have your diagnosis confirmed by a licensed physician (MD or DO).

How should you prepare for a doctor visit?

Gather information about your injury and your job.

- ▶ Keep a daily **SYMPTOM LOG**. In it, describe your pains, other symptoms, when they occur, when they get better or worse, and what you did at home and work that day.
- ▶ If your symptoms started gradually, this log may help show if they are related to your work activities. If you had a sudden injury, write down what happened.
- ▶ Prepare a written **JOB DESCRIPTION**. This can help identify work activities that may be causing the problem. If your employer has one, you can start with that.
- ▶ Try to put as much detail as you can in both these records. Take copies of these with you to the doctor. Update them before each doctor visit. The boxes explain what to include in your Symptom Log and Job Description.
- ▶ Get the name, address and phone number of the office that handles workers' compensation claims for your employer. The doctor may ask you about it. This information should be posted in your workplace.
- ▶ Give the date you first noticed symptoms for injuries that started gradually. The doctor will ask when the injury occurred.

SYMPTOM LOG

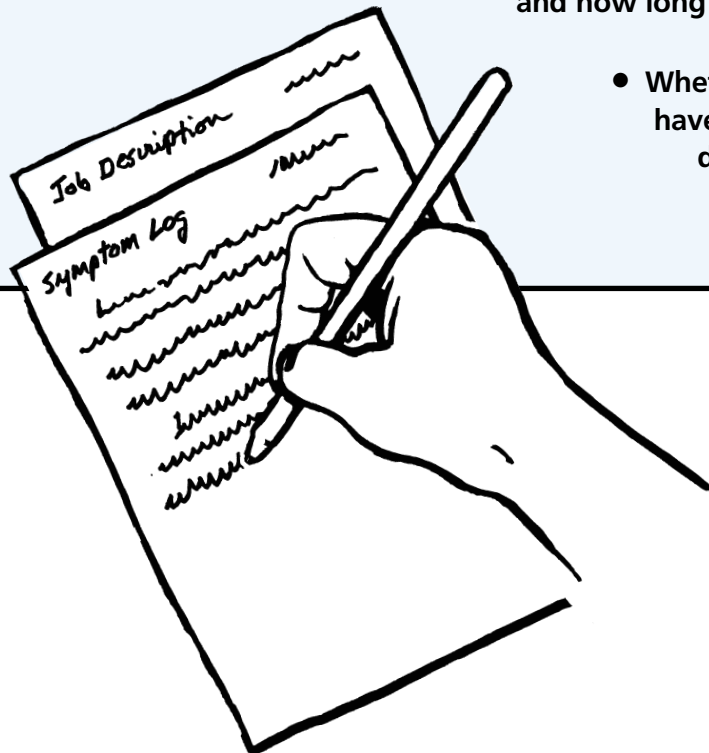
Whenever you have symptoms, write them down. Here are some tips:

- **Write the date and time of day (or night).**
- **Name the body parts affected.** It can help to mark them on a body diagram like the ones on page 6.
- **Describe your symptoms (aching, swelling, numbness, shooting pain, etc.).** Use your own words.
- **Try to rate how bad the symptoms are.** You might use a scale of 1 to 10 (1 for barely noticeable discomfort to 10 for the worst you can imagine).
- **Write down what you did (at work and in your personal life)** that day, when you did it, and if it seemed to affect your symptoms.
- **If you are using medicines or other treatments,** write down which ones you used that day, and if they seemed to help or not.

JOB DESCRIPTION

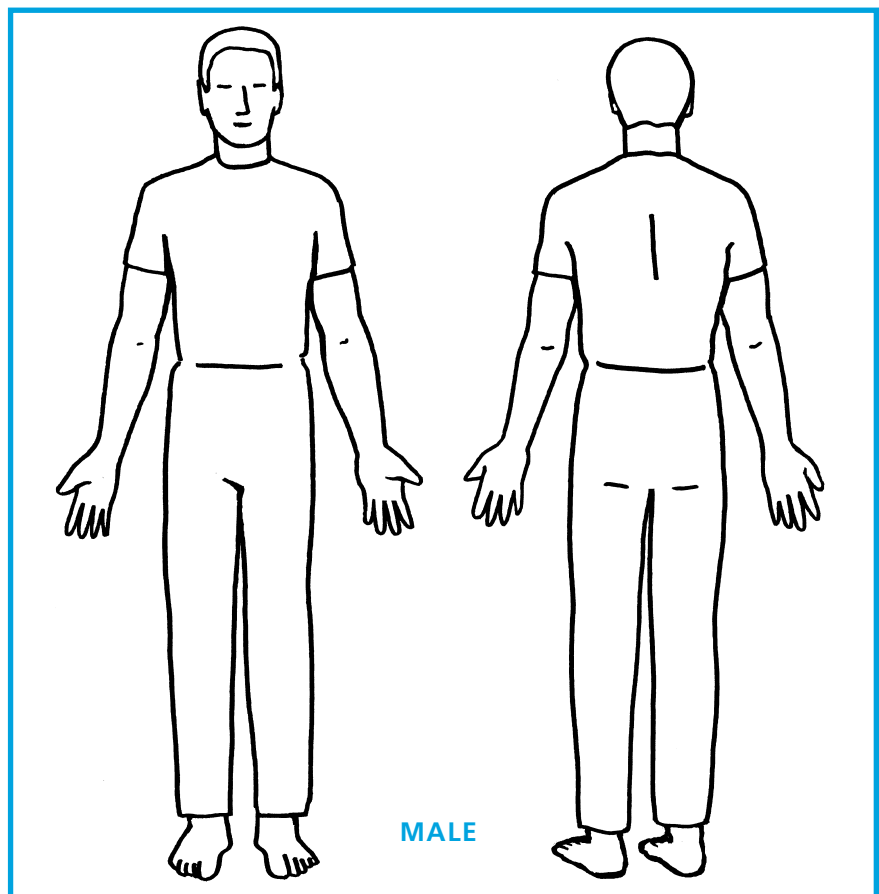
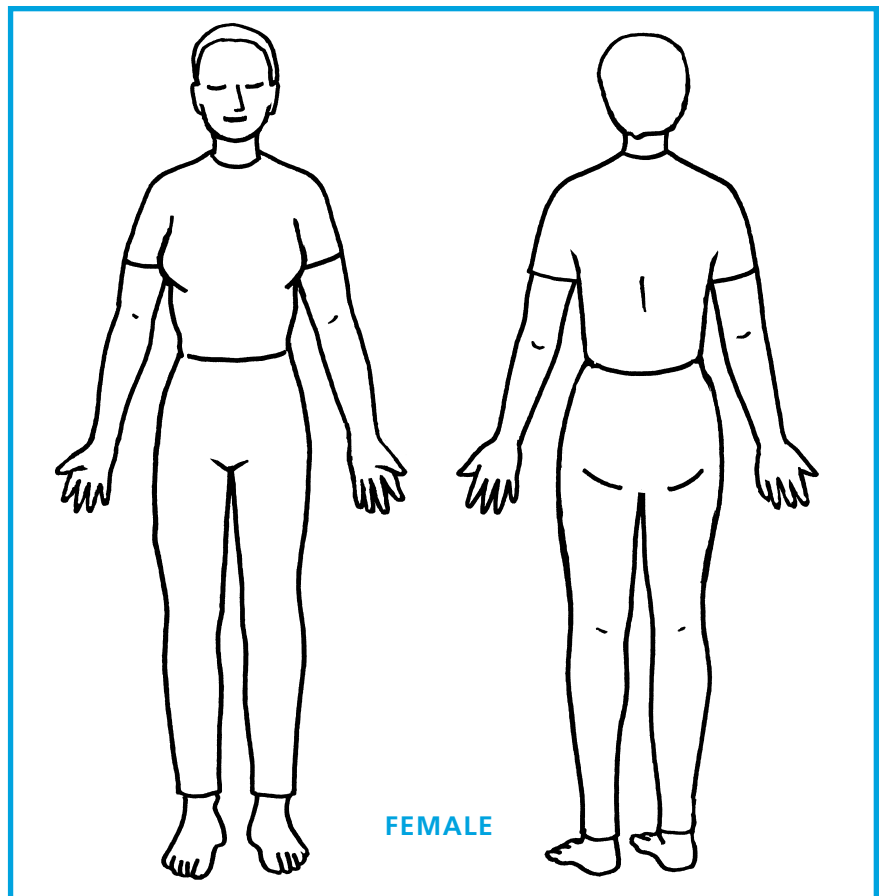
Include these items:

- **What you do.** Explain each task in detail. Mention which tasks require sitting, standing, walking, climbing, lifting, pulling, gripping, etc.
- **How much time in an average work day you spend on each task.**
- **What parts of your job are repetitive.**
- **What awkward or uncomfortable positions you have to work in.**
- **What tools and equipment you use,** what you do with them, how much they weigh, and how long and how often you use them.
- **How many hours you work.** Include regular hours, overtime, and other jobs.
- **Which work activities seem to make your symptoms worse.**
- **How often you take breaks,** and how long they are.
- **Whether co-workers** have symptoms from doing the same job.



BODY DIAGRAM FOR YOUR SYMPTOM LOG

Use the diagram
to mark places
where you hurt. ►



What will happen at the doctor's office?

The doctor will examine you and try to find out what's wrong.

- ▶ Your visit may include questions about your medical history, work history, and outside activities, as well as:

- **Physical exam.**

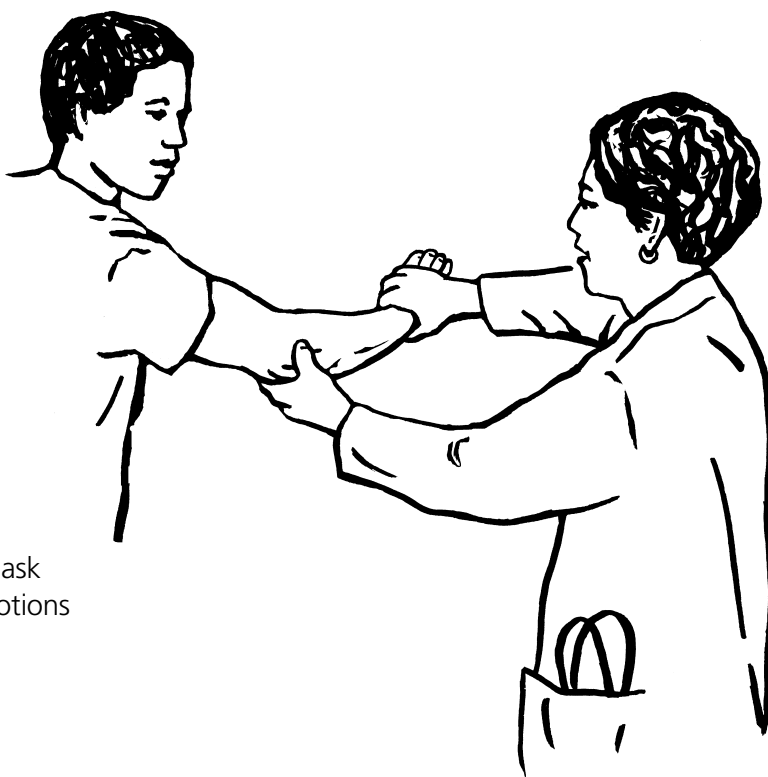
The doctor will try to find out what movements cause pain or discomfort, and will look for swelling, loss of sensation, and reduced strength.

- **Medical tests.**

These may include x-rays, blood tests, or nerve tests. Tests will vary for each person.

- **Observation.**

Sometimes the doctor will ask you to demonstrate the motions you do at work.



What should you tell the doctor?

As much as you can about your symptoms and work activities.

- ▶ Be sure to answer all questions as completely as you can. If you don't understand something the doctor says, ask him or her to explain. If the doctor doesn't cover something you think is important, bring it up. Give the doctor copies of your Symptom Log and Job Description.
- ▶ Tell the doctor if any of your co-workers have work-related MSDs. (If so, also see page 13; your employer may be required to follow a California rule.)

Are your medical records confidential?

Not necessarily!

- ▶ Normally medical records are confidential, but if you file a workers' compensation claim, the medical records related to your claim are not confidential. You may also be required to authorize the release of other medical records that are needed to diagnose, treat, and determine the cause of your injury. Your employer's workers' compensation insurer will have access to your records. Also, any medical records sent to the State, with legal documents about your worker's compensation case, become public record.

What will the doctor do if you have a work-related MSD?

The doctor should give you:

1. A specific diagnosis of your condition
2. A treatment plan
3. A signed note for you to take to work

1. Specific Diagnosis

- ▶ "Cumulative trauma disorder," "repetitive motion injury," or "musculoskeletal disorder" are vague, general terms. A **specific diagnosis** will be more useful in determining what treatment you should get and if you are eligible for workers' compensation benefits. Ask for a written diagnosis.
- ▶ Here are a few examples of specific diagnoses for MSDs:
 - bursitis
 - carpal tunnel syndrome
 - epicondylitis
 - hand-arm vibration syndrome
 - lumbar strain
 - muscle strain
 - tendonitis/tenosynovitis
 - trigger finger

THE DOCTOR'S FIRST REPORT FORM

- Be sure the doctor fills out a "Doctor's First Report of Occupational Injury or Illness." This is one of the State forms necessary to establish a workers' compensation claim, but should be done even if you're not presently filing a claim.
- The doctor is required to fill out a Doctor's First Report for you the first time you are seen for any work-related injury or illness. Every doctor should have it.
- The doctor isn't required to give you a copy of the Doctor's First Report, but it won't hurt to ask. You can get it later from your employer or employer's insurance claims adjuster.

2. Treatment Plan

- ▶ The **treatment plan** should say which treatments you are to use and for how long. Ask for a written treatment plan.
- ▶ Treatment for MSDs may include:
 - Resting the affected body part
 - Changes in your job duties, or time off from work
 - A schedule for gradually resuming normal activities
 - Medicine (for pain, swelling, sleep problems, depression, etc.)
 - Injection with steroids
 - Physical therapy, occupational therapy
 - Braces, splints, elastic bandages, or other supports.

This is not a complete list. Other types of treatments, such as acupuncture, chiropractic, and others may be helpful to you.

- ▶ If treatments don't seem to be working, let the doctor know and ask to try other available treatments. You may need to try a number of treatments before finding one or a combination of treatments that prove effective for you. Sometimes surgery may be necessary, but usually only if other treatments were tried first and were unsuccessful.

3. Signed Note

- ▶ If the doctor says your condition is related to your job, he or she should give you a **signed note** to take to work. The note should document absences related to your injury. It does not need to give your medical diagnosis. Keep a copy for your records.
- ▶ The note should also include any recommendations for:
 - **Time off.** You may need to stop working for a period of time, or limit your work hours, to help you recover.
 - **Modified work.** You may need to limit certain job activities. For example, the doctor may order that you not lift over 15 pounds, or may limit your computer keyboard use to one hour per day.
 - **Changes in the workplace.** These may include using different tools or equipment, or different ways to get the job done. For example, the doctor may recommend that you wear a headset for telephone work, or use a power screwdriver instead of a manual one.

What's next?

Talk it over with your employer

- ▶ If you haven't already, report your work-related injury or illness to your employer as soon as possible. When you report it, ask for a workers' compensation claim form to fill out.
- ▶ Talk over any work restrictions from the doctor with your employer. See if you can figure out a way to keep working. Your employer may not offer you modified work or the doctor may recommend you take time away from work. If you won't be working for awhile, concentrate on recovering and getting ready to return to work.



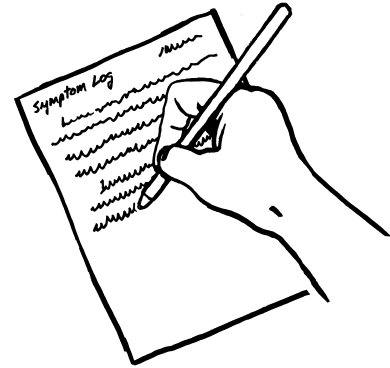
Take time to recover

- ▶ If you have an MSD, it can take a long time to heal. For some injuries, you may have to completely rest the affected body part to allow healing. For other injuries, such as low back strain, it may be best to keep as active as possible. It is important to have a plan for progressive or gradual exercise and physical activity.
- ▶ You may also need multiple visits to doctors, physical therapists, or other practitioners to aid your recovery.
- ▶ Getting injured can be stressful, especially if you are permanently disabled and/or can't work for some time. If the injury seems to be causing problems in relationships or other areas of your personal life, get help. Injured workers' groups help by bringing together those with similar problems and experiences (see page 12). The doctor can also refer you to practitioners for counseling or therapy.



Continue your symptom log

- ▶ Write which treatments and changes to your job help, and which don't. On return visits, be sure to let the doctor know what makes you feel better or worse. The doctor can change your treatment plan or work limitations, if either can help your recovery.



Find out about workers' compensation

- ▶ If you are injured on the job or have a pre-existing injury that gets worse from working, you may be entitled to workers' compensation benefits. Benefits can cover medical expenses, lost wages, and retraining costs (if a job change is needed). For information on how to find out more about workers' compensation benefits, see page 12.



What records should you keep?

Keep copies of everything written about your injury.

- ▶ Keep your own file of everything written about your injury and how it affects your job by doctors, medical evaluators, insurance companies, government agencies, and your employer.
- ▶ Also keep notes of what is said. Indicate the time, date, place, participants, and witnesses.
- ▶ Keep copies of letters you write and any forms you fill out. Save your **Symptom Log** and **Job Description**.
- ▶ You may need these records to get certain benefits (including workers' compensation), or if there is other legal action.

RESOURCES

How can you get more information about MSDs and other job hazards?

- ▶ **HESIS (Hazard Evaluation System and Information Service)**
www.dhs.ca.gov/ohb. HESIS provides hazard prevention information to California workers, employers, and healthcare providers.
 - **For HESIS publications: (510) 622-4328.** HESIS provides free educational materials about workplace hazards including MSDs. Ask for *A Physician's Guide to the California Ergonomics Standard*. Visit our website, call or write for a **Publications List**.
- ▶ **Cal/OSHA Consultation Service** provides free services to help California employers improve safety and health conditions, without triggering enforcement inspections. Call **1-800-963-9424** for assistance, or for free publications:
 - *Easy Ergonomics: A Practical Approach for Improving the Workplace*
 - *Fitting the Task to the Person: Ergonomics for Very Small Businesses*
 - *A Back Injury Prevention Guide for Health Care Providers*

How can you get more information about workers' compensation?

- ▶ **Commission on Health and Safety and Workers' Compensation (CHSWC)** is a state office that provides a series of free basic factsheets for injured workers about workers' compensation procedures, rights and responsibilities that are available at www.dir.ca.gov/CHSWC/chswc.html and all I&A offices (see below). A companion video can also be viewed at this website.
- ▶ **Division of Workers' Compensation, Information and Assistance (I&A)** is a free State service for injured workers without an attorney. An I&A officer can help you through the legal process in simple cases. To find the I&A office closest to you, call the automated telephone service at **1-800-736-7401**. At this number, you can also order free factsheets for injured workers. Or go to the I&A website: www.dir.ca.gov/dwc/I&A.html. Guides for injured workers, factsheets and workers' compensation forms are available free at all I&A offices and at their website.
- ▶ For more complex cases (particularly if your claim is disputed by your employer or the insurer), you should get advice from an attorney. Find an attorney who is a certified specialist in workers' compensation law. Check the Yellow Pages or ask your union. An initial visit to a workers' compensation attorney should be free. Attorney fees come from any cash award, not out of your pocket.

How can you find a support group?

- ▶ Ongoing support/discussion groups for injured workers can be found at: www.tifaq.org/information/supportgroups.html. Your healthcare provider, union, or attorney may be able to recommend other local discussion groups or support groups.

How can you get more information about workplace health and safety laws?

- ▶ **Cal/OSHA** is California's workplace health and safety agency. Cal/OSHA develops and enforces rules to protect workers. You can file a complaint with Cal/OSHA about unsafe workplace conditions, including conditions that may be causing MSDs. Your name will remain confidential.

To contact Cal/OSHA, look in the blue Government Pages of your phone book under: State Government Offices, Industrial Relations Dept., Occupational Safety and Health- Cal/OSHA, Enforcement. There are Cal/OSHA offices throughout the state. You can find workplace safety and health rules and publications at the website: www.dir.ca.gov (click on "Occupational Safety and Health" and then on "Division of Occupational Safety and Health").

A RULE PROTECTS WORKERS FROM MSDs

California employers must take steps to prevent MSDs (musculoskeletal disorders) according to the Repetitive Motion Injuries Regulation (General Industry Safety Order 5110). This regulation covers a particular workplace when two or more workers are affected and under all the following conditions:

- The MSDs are caused mostly from a repetitive job, process or operation
- The workers were doing the same type of repetitive work activity
- The MSDs are confirmed by a licensed physician (it doesn't need to be the same physician or the same specific diagnosis)
- The two or more MSDs were reported within a 12 month period

If all of these conditions exist in your workplace, your employer is required to design a program to remove the cause of the MSDs. The program shall evaluate why injuries are occurring, take action to correct or minimize the problem(s), and train workers. For example, the employer may need to purchase adjustable furniture or provide more breaks.



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